

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MERCHANT CAPITAL, LLC and)	
NEW SUNSHINE, LLC,)	
)	
Plaintiffs,)	
)	
)	CAUSE NO.: 1:13-cv-00873-JMS-DML
v.)	
)	
MELANIA MARKS SKINCARE, LLC,)	
)	
Defendant.)	

MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiffs Merchant Capital, LLC and New Sunshine, LLC (collectively “Plaintiffs”), by counsel, pursuant to Rule 65 of the Federal Rules of Civil Procedure and Southern District of Indiana Local Rule 65-2, hereby respectfully requests the Court to issue a temporary restraining order and/or preliminary injunction staying the arbitration proceedings commenced by Melania Marks Skincare, LLC (“Defendant”) in the State of New York before JAMS. In support of this Motion, Plaintiffs request the Court to consider the following:

1. Plaintiffs’ Amended Complaint [DE #1-1; PageID #78, *et seq*];
2. Affidavit of Matthew Cotton, attached as **Exhibit A**;
3. Affidavit of Rodney Smith, attached as **Exhibit B**;
4. Stipulation, attached as **Exhibit C**; and
5. Plaintiffs’ Brief in Support of its Motion for Temporary Restraining Order, filed concurrently with this Motion.

WHEREFORE, Plaintiffs requests injunctive relief, including, *inter alia*, a temporary restraining order and/or preliminary injunction enjoining Melania Marks Skincare from

attempting to enforce the License Agreement in any manner, a temporary restraining order and/or preliminary injunction as to the arbitration proceedings before JAMS in the State of New York pending a determination by this Court as to whether there is even an enforceable agreement to arbitrate between New Sunshine and Melania Marks Skincare, and for all other relief the Court may deem just and proper.

Respectfully submitted,

/s/Jerry M. Padgett
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One of the Attorneys for Plaintiffs,
Merchant Capital, LLC and New Sunshine, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of June, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

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